

GREGORY M. D'AGOSTINO

Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
C/O Renata Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

RE: US v Microsoft

Dear Judge Kollar-Kotelly,

I am writing with regard to the settlement between the Department of Justice and Microsoft in US v Microsoft. I realize there has been much discussion over many years concerning this matter. In light of that, it seems a more equitable solution could have been reached. The specifics of this settlement appear to violate antitrust laws.

As it stands now, Microsoft has the capacity to bolt financial services, cable or even the Internet to Windows hindering competition. In addition Microsoft makes the decision as to what technologies will be compatible with its Windows. This makes it very difficult for companies to develop software or for that matter find investors to provide venture capital for their companies.

It is interesting to note that currently Microsoft Windows and Office Suites enjoy over a 90% user status. Expansion into other markets will expand that usage even more. At a time when computer technology companies should be challenged to address security and privacy issues in government and corporations, the inability to compete is certainly not making it an environment good for growth. The settlement provides many loopholes, which could well keep the issue in litigation for years.

The computer software market should be buttressing the economy rather than adding to its sluggishness. Without competition, venture capital and an expectation of success it is very likely this industry will continue its downward slope. It is interesting to look at the monopoly of Microsoft and note the growth in the company as compared to other companies who do not have the ability to control most aspects of the market. The affect on consumers will be reflected in the high cost of software.

Given that nothing in the settlement hinders Microsoft, there should be little change in its business operation. It appears Microsoft plans to expand to financial, cable and the Internet, which will only serve to expand its control.

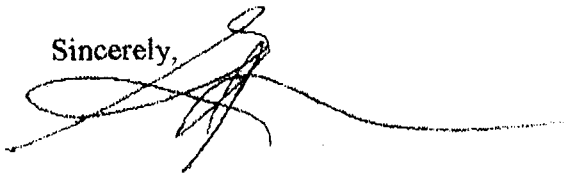
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Although Microsoft will be required to share technology if it is reasonably necessary it also will determine which companies' technologies will be compatible with Windows. Microsoft will appoint one member of the three-person technology committee, the Department of Justice appoints another and they must both agree on the third.

It is likely companies will be reluctant to take on a Microsoft with a challenge, as their future business may well depend on their relationship with Microsoft. Given that Microsoft will be able to charge whatever it wants for its products, prices will skyrocket.

It seems a more equitable solution could be determined. If I may be of any assistance, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory M. D'Agostino', with a long horizontal flourish extending to the right.

Gregory M. D'Agostino
Consultant

CC: Attorney General Tom Reilly